

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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BRIAN MOSELY,

Plaintiffs,

-against-

THE CITY OF NEW YORK, POLICE OFFICER DALMIN
VASQUEZ, shield # 13931, POLICE OFFICER STEVE
RICHARDS, shield #2946, POLICE OFFICER JASON
REYNOLDS, shield #1513, SERGEANT MARTIN DAVIS,
shield #873, POLICE OFFICER GLADSTONE HAYES, shield
#20629, POLICE OFFICER RIAN VERKAY, shield #2055,
POLICE OFFICER NICHOLAS NELSON, shield #15798,
POLICE OFFICER ALVARO CONTRERAS, shield #12311,

**STIPULATION AND ORDER
OF SETTLEMENT AND
DISCONTINUANCE**

09 CV 2613 (ERK)(ALC)

Defendants.

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WHEREAS, plaintiff commenced this action by filing a complaint on or about June 19, 2009, alleging that certain of his civil rights were violated; and

WHEREAS, defendants have denied any and all liability arising out of plaintiff's allegations; and

WHEREAS, the parties now desire to resolve the issues raised in this litigation, without further proceedings and without admitting any fault or liability;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed, with prejudice, and without costs, expenses, or attorneys' fees in excess of the amount specified in paragraph "2" below.
2. The City of New York hereby agrees to pay plaintiff BRIAN MOSELY, the sum of TWENTY FIVE THOUSAND DOLLARS (\$25,000.00) in full satisfaction of all claims,

including claims for costs, expenses, and attorneys' fees. In consideration for the payment of this sum, plaintiff agrees to the dismissal of all the claims against the named defendants, both served and unserved, the City of New York, Police Officer Dalmin Vasquez, Police Officer Steve Richards, Police Officer Jason Reynolds, Sergeant Martin Davis, Police Officer Gladstone Hayes, Police Officer Rian Verkay, Police Officer Nicholas Nelson and Police Officer Alvaro Contreas, with prejudice, and to release all defendants, and any present or former employees or agents of the City of New York, or any agency thereof, including but not limited to the New York City Police Department, from any and all liability, claims, or rights of action under state or federal law that were or could have been alleged in this action, including claims for costs, expenses and attorneys' fees.

3. Plaintiff shall execute and deliver to defendants' attorney all documents necessary to effect this settlement, including, without limitation, a General Release based on the terms of paragraph "2" above and an Affidavit of Status of Liens.

4. Nothing contained herein shall be deemed to be an admission by defendants that they have in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York, or any agency thereof, including but not limited to, the New York City Police Department.

6. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York
Jan. 4, 2010

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By: 
Katherine E. Smith
Assistant Corporation Counsel
Special Federal Litigation Division

SO ORDERED:

EDWARD R. KORMAN
UNITED STATES SENIOR DISTRICT JUDGE